

### REMARKS

Claims 1-10 are pending in the present application. This draft proposes amending claims 1 and 9. Applicants respectfully request reconsideration of the present proposed claims in view of the following remarks.

#### I. Prior Art Rejections

##### Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over "Systems Architecture and Techniques for Gesture Recognition in Unconstraint Environments", Virtual Systems and Multimedia, IEEE 1997, pages 137-146 to Kohler (hereinafter "Kohler") in view of United States Patent No. 5,086,385 to Launey et al. (hereinafter "Launey"). This rejection is respectfully traversed.

Based on the proposed amendment, claim 1 recites that an apparatus for operating a home appliance comprises an operations processor coupled to the image processor for identifying a home appliance operation associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective home appliance operation. Likewise, based on the proposed amendment, claim 9 recites that a home appliance comprises an operations processor coupled to the image processor for identifying a home appliance operation associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective home appliance operation.

Kohler does not teach or suggest an apparatus for operating a home appliance or a home appliance as recited by claims 1 and 9, respectively. On the contrary, Kohler teaches a gesture recognition system including a Dialogue Control System that decides which device to control by determining which device has been pointed to and selected by a user using the pointer click gesture sequence and which task to complete by looking up the gesture code in an interpreter table for an additional gesture made by the user. This is not analogous to the apparatus of claim 1 or the home appliance of claim 9 because Kohler fails to teach or suggest that the Dialogue Control System identifies the device to control and the operation to perform by comparing the gesture made by the user with

each of a predefined set of gestures associated with a respective home appliance operation. Instead, Kohler teaches that a user must first point at the device the user would like controlled and perform the pointer click gesture before providing an additional gesture for the task to be performed. Thus, a user utilizing the gesture recognition system taught by Kohler must perform two gestures to cause a device to perform a certain task in contrast to the single recognized gesture recited by claims 1 and 9 of the present invention.

The Office Action relies on the teaching of Launey to allegedly overcome the above-identified deficiencies of the teaching of Kohler. However, like the teaching of Kohler, the teaching of Launey does not teach or suggest an apparatus for operating a home appliance or a home appliance comprising an operations processor coupled to the image processor for identifying a home appliance operation associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective home appliance operation. Instead, Launey discloses an expandable home automation system that uses touchscreens, voice recognition circuitry, keypads, hand-held remote controls, computer keyboards, and/or telephones to input commands for appliances and subsystems within a home, without suggesting that the expandable home automation system also uses gestures to identify a command for appliances and subsystems within a home by comparing the recognized gesture with each of a predefined set of gestures associated with a respective home appliance operation. Therefore, like Kohler, Launey fails to teach or suggest the apparatus recited by claim 1 and the home appliance recited by claim 9 of the present invention.

Based on the proposed amendment, claim 10 recites that a method for operating a home appliance comprises identifying a home appliance operation associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective home appliance operation.

Kohler does not teach or suggest a method for operating a home appliance as recited by claim 10. Instead, Kohler discloses a method for controlling devices by gestures by pointing to the device to be controlled and selecting it by using the pointer click gesture sequence and then using additional gesture sequences for further control of

the device. This is not analogous to the method of claim 10 because Kohler fails to teach or suggest identifying the device to control and the operation to perform by comparing the gesture made by the user with each of a predefined set of gestures which is associated with a respective home appliance operation. Instead, Kohler teaches that a user must first point at the device the user would like controlled and perform a pointer click gesture to select the device before providing an additional gesture for the task to be performed. Thus, a user utilizing the gesture recognition system taught by Kohler must perform two gestures to cause a device to perform a certain task in contrast to the single recognized gesture recited by claim 10 of the present invention.

The Office Action relies on the teaching of Launey to allegedly overcome the above-identified deficiencies of the teaching of Kohler. However, like the teaching of Kohler, Launey fails to teach or suggest a method for operating a home appliance comprising identifying a home appliance operation associated with the gesture by comparing the recognized gesture with each of a predefined set of gestures, wherein each of the predefined gestures is associated with a respective home appliance operation. On the contrary, Launey discloses an expandable home automation system that uses touchscreens, voice recognition circuitry, keypads, hand-held remote controls, computer keyboards, and/or telephones to input commands for appliances and subsystems within a home, without suggesting that the expandable home automation system also uses gestures to identify a command for appliances and subsystems within a home by comparing the recognized gesture with each of a predefined set of gestures associated with a respective home appliance operation. Therefore, like Kohler, Launey fails to teach or suggest a method as recited by claim 10 of the present invention.

Moreover, Applicants respectfully submit that one of ordinary skill in the art would not have combined the teaching of Kohler with the teaching of Launey absent the impermissible use of hindsight because Launey fails to teach or suggest an apparatus or method for controlling appliances by recognizing gestures associated with a particular task. The only motivation for such a combination of teachings has been deemed from a review of Applicants' invention, not from what is being taught or suggested from the cited art. For at least these reasons, Applicants respectfully submit that the combination of the teaching of Kohler with the teaching of Launey is improper.

For at least these reasons, claims 1, 9, and 10 are allowable over Kohler in view of Launey. Since claims 2-8 depend from claim 1 and recite additional features, Applicants respectfully submit that the combined teaching of Kohler and Launey does not make obvious Applicants' claimed invention as embodied in claims 2-8 for at least these reasons. Accordingly, withdrawal of these rejections is respectfully requested.

### CONCLUSION

For at least these reasons, Applicants assert that the pending claims 1-10 are in condition for allowance. The Applicants further assert that this response addresses each and every point of the Office Action, and respectfully requests that the Examiner pass this application with claims 1-10 to allowance. Should the Examiner have any questions, please contact Applicants' undersigned attorney at 404.954.5042.

Respectfully submitted,  
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